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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 Michelle Chartrand,) Civil Case No. _____
14)
15 Plaintiff,) **COMPLAINT FOR:**
16 v.)
17) 1. 42 U.S.C. § 1983: Illegal Arrest;
18 County of Riverside, Desert Sands) 2. 42 U.S.C. § 1983: Excessive
19 Unified School District, Does 1-10,) Force;
20 Defendants.) 3. ADA: Wrongful Arrest;
21) 4. ADA: Failure to Accommodate;
22) 5. Battery;
23) 6. Negligence;
24) 7. Negligent Training and
25) Supervision;
26) 8. Cal. Civ. Code § 52.1.
27
28

29 **DEMAND FOR JURY TRIAL**

INTRODUCTION

1. Plaintiff Michelle Chartrand—an autistic member of the Riverside community—suffered injuries as a result of an encounter with law-enforcement officers at her school. Despite having no reason to forcibly detain and arrest Plaintiff—and fully aware of her disability—officers for the Riverside County Sheriff’s Department wrestled with Plaintiff, tackled her to the ground, handcuffed her, and caused her head to strike the concrete pavement. Plaintiff suffered injuries as a result. She requests a jury trial to pursue justice on the claims detailed in this complaint.

JURISDICTION AND PARTIES

2. This is a civil action where jurisdiction is founded on a federal question under 28 U.S.C. § 1331.

3. Plaintiff's claims arise in the judicial district where the events and omissions giving rise to this complaint occurred, namely the city of La Quinta in the County of Riverside, which is situated within the Central District of California.

4. At all relevant times, Plaintiff Michelle Chartrand was a citizen of the United States and a resident of the County of Riverside.

5. Defendant County of Riverside is a public entity, duly organized and existing under the laws of the State of California. The Riverside County Sheriff's Department ("RCSD") is the County of Riverside's law-enforcement branch.

6. Defendant Desert Sands Unified School District is a public entity, duly organized and existing under the laws of the State of California.

7. At all relevant times, Defendants Does 1-5 were deputies with the RCSD. The identity of these defendants is currently unknown. On information

1 and belief, Does 1-5 were the deputies that intervened with Plaintiff on August 30,
2 2018.

3 8. At all times relevant, Does 6-10 were employees and/or security
4 officers of the Desert Sands Unified School District. The identity of these
5 defendants is currently unknown. On information and belief, these employees
6 intervened with Plaintiff on August 30, 2018.

7 9. Venue is proper in the United States District Court for the Central
8 District of California under 28 U.S.C. § 1391.

10 10. Plaintiff filed a timely tort claim against the County of Riverside and
11 its employees under California Government Code Sections 910 *et seq.* on
12 February 26, 2019. The claim was denied on March 6, 2019.

13 11. Plaintiff filed a timely tort claim against the Desert Sands Unified
14 School District and its employees under California Government Code Sections
15 910 *et seq.* on February 26, 2019. The claim was denied on March 19, 2019.

17 **FACTUAL ALLEGATIONS**

18 12. Plaintiff is an adult diagnosed with autism spectrum disorder.

19 13. Autism spectrum disorder, according to the National Institute of
20 Mental Health, is a developmental disorder that affects communication and
21 behavior.

22 14. According to the Diagnostic and Statistical Manual of Mental
23 Disorders (DSM-5), people with autism have difficulty communicating and
24 interacting with others, restricted interests and repetitive behaviors, and symptoms
25 that impair the person's ability to function properly in school, work, and other
26 areas of life.

1 15. On the morning of August 30, 2018, Plaintiff was dropped off by her
2 mother at Summit High School in La Quinta, CA.

3 16. Summit High School is part of the Desert Sands Unified School
4 District (“DSUSD”).

5 17. Summit High School offers Special Education courses for students
6 with learning disabilities.

7 18. Plaintiff attended Special Education courses at the school.

8 19. Shortly after Plaintiff arrived at the school, DSUSD campus security
9 allegedly received information that Plaintiff “had gone off campus and started
10 walking home.”

11 20. Two DSUSD security officers responded and allegedly found
12 Plaintiff “walking down the sidewalk along Palm Royale [Drive].”

13 21. Plaintiff was simply walking down the sidewalk and presented no
14 danger of harm to herself or anyone else.

15 22. DSUSD personnel attempted to stop Plaintiff from continuing to
16 walk down the sidewalk.

17 23. DSUSD personnel also called the RCSD and advised that they
18 needed assistance with a Special Education student.

19 24. According to DSUSD personnel, Plaintiff told them to leave her
20 alone and stated that she was walking home.

21 25. According to DSUSD personnel, Plaintiff arrived at an intersection
22 pressed the crosswalk button, and waited for the crosswalk sign to signal her to
23 cross when safe.

24 26. At that point, DSUSD personnel grabbed Plaintiff’s wrist and
25 attempted to restrain her.

1 27. According to DSUSD personnel, Plaintiff struggled to free herself
2 from the DSUSD officer's grasp.

3 28. Plaintiff struggled to free herself because individuals with autism
4 often have hypersensitivity to sounds or touch, a condition known as tactory or
5 sensory defensiveness. Many people with autism often do not like being grabbed
6 or touched, as even a slight touch can cause great anxiety, discomfort, and even
7 physical pain due to their disability.

8 29. According to DSUSD personnel, after restraining Plaintiff, she and
9 an unknown school security officer began talking on the sidewalk.

10 30. An RCSD deputy arrived at Plaintiff's location soon after.

11 31. DSUSD personnel told the RCSD deputy that Plaintiff was a Special
12 Education student.

13 32. The deputy told DSUSD personnel that the school employees "would
14 be more equipped to handle this call and he would stand in the back for safety
15 purposes."

16 33. According to DSUSD personnel, several minutes later Plaintiff
17 "attempted to walk off down the sidewalk again."

18 34. The RCSD deputy blocked Plaintiff's path.

19 35. According to DSUSD personnel, Plaintiff allegedly told the deputy to
20 "move out of the way."

21 36. The RCSD deputy responded by grabbing Plaintiff's shoulders.

22 37. Plaintiff was not doing anything illegal or engaged in any
23 wrongdoing at the time. Plaintiff was simply walking on the sidewalk.

24 38. According to DSUSD personnel, Plaintiff became upset at that point
25 and allegedly "tried to escape the deputy's grasp."

1 39. Plaintiff's reaction, if any, was due to the fact that autistic individuals
2 have hypersensitivity to touch and do not like to be touched, particularly by
3 people they do not know or trust.

4 40. The RCSD deputy knew or should have known that forcefully
5 grabbing and touching a person with autism could cause physical harm, anxiety,
6 stress, and emotion distress to that person.

7 41. A properly-trained deputy would have known that forcefully
8 grabbing and touching a person with autism could cause significant harm, anxiety,
9 stress, and emotional distress to that person.

10 42. But because the RCSD deputy was not properly trained, he continued
11 to escalate the encounter.

12 43. The RCSD deputy continued to forcefully grab Plaintiff while
13 attempting to subdue her.

14 44. Plaintiff cried out and pleaded with the deputy to "leave me alone"
15 and told them that she was "going home."

16 45. At that point, the RCSD deputy knew or should have known that
17 Plaintiff was autistic or mentally disabled, that she was not engaged in any
18 wrongdoing or criminal activity, and that there was no reason to attempt to detain
19 and restrain her in a forceful manner.

20 46. At that point, the RCSD deputy knew or should have known that
21 continuing to forcefully restrain Plaintiff only worsened Plaintiff's physical pain,
22 fear, anxiety, and emotional distress.

23 47. According to DSUSD personnel, another RCSD deputy arrived at the
24 scene at that point.

25 48. This second RCSD deputy grabbed one of Plaintiff's arms while the
26 other deputy grabbed Plaintiff's other arm.

1 49. According to DSUSD personnel, the second deputy attempted to
2 handcuff Plaintiff while the two deputies wrestled her to the ground.

3 50. During this forceful restraint, the deputies caused Plaintiff's head and
4 forehead to hit the concrete pavement.

5 51. A gash opened on Plaintiff's forehead, drawing blood.

6 52. This second RCSD deputy knew or should have known that Plaintiff
7 was autistic or mentally disabled, that she was not engaged in any criminal
8 activity, and that there was no reason to attempt to detain and restrain her in a
9 forceful manner.

10 53. This second RCSD deputy knew or should have known that
11 continuing to forcefully restrain and handcuff Plaintiff only worsened Plaintiff's
12 physical pain, fear, anxiety, and emotional distress.

13 54. A properly-trained deputy would have known that forcefully grabbing
14 and touching a person with autism could cause significant harm, anxiety, stress,
15 and emotional distress to that person. But because this second RCSD deputy was
16 not properly trained he or she continued to forcefully restrain Plaintiff.

17 55. The deputies ultimately handcuffed and detained Plaintiff.

18 56. During the entire incident, DSUSD officers and employees stood by
19 doing nothing.

20 57. Sometime later, the school principal approached the area and
21 readvised the deputies that Plaintiff was a Special Education student.

22 58. The deputies acknowledged the advisement and conducted a welfare
23 check on Plaintiff, but did not remove the handcuffs from Plaintiff.

24 59. Plaintiff's mother eventually arrived and requested that Plaintiff be
25 released to her.

26 60. Plaintiff was allowed to leave with her mother.

61. Plaintiff received medical attention for the injuries she suffered during the incident.

62. Plaintiff was not disciplined by the school as a result of the incident.

63. Plaintiff was not charged with any civil or criminal violations as a result of the incident.

64. In the weeks after the incident, Plaintiff made repeated attempts to obtain the RCSD's reports and records regarding the incident.

65. After the RCSD refused to provide any information, Plaintiff made a formal request under the California Public Records Act (“PRA”) for the information.

66. The RCSD summarily denied Plaintiff's PRA request and has refused to disclose any information pertaining to the incident to this day.

FIRST CAUSE OF ACTION

Violation of constitutional rights under color of law (42 U.S.C. § 1983)

(False arrest)

(Doe RCSD deputies)

67. Plaintiff re-alleges and incorporates herein by reference each and every allegation contained in the preceding paragraphs.

68. The Doe RCSD deputies, during all times relevant herein, were acting under color of state law. These defendants are being sued in their individual capacity for the purposes of this cause of action.

69. Plaintiff had a Fourth Amendment right to freedom of movement, and to be free from illegal and unreasonable arrest.

70. The Doe RCSD deputies violated this right by detaining and arresting Plaintiff for no reason, and without reasonable suspicion or probable cause. These

defendants were not acting in good faith, was acting under color of law, and violated Plaintiff's Fourth Amendment rights.

71. The Doe RCSD deputies' actions in illegally detaining and arresting Plaintiff caused damages to her in an amount to be proven at trial.

SECOND CAUSE OF ACTION

Violation of constitutional rights under color of law (42 U.S.C. § 1983)

(Under section 1983)

(See BCSD deputies)

(Doe RCSB deputies)

72. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the preceding paragraphs.

73. The Doe RCSD deputies, during all times relevant herein, were acting under color of state law. These defendants are being sued in their individual capacity for the purposes of this cause of action.

74. Plaintiff had a Fourth Amendment right to be free from being subjected to the use of excessive force by an arresting officer.

75. The Doe RCSD deputies violated this right by unlawfully tackling and wrestling Plaintiff to the ground and causing her head to hit the concrete pavement, despite having no reasonable suspicion or probable cause to believe that any wrongdoing or crime had been committed.

76. These Doe RCSD deputies were not acting in good faith, were acting under color of law, and violated Plaintiff's Fourth Amendment rights to be free from excessive force.

77. The Doe RCSD deputies' actions in tackling and wrestling Plaintiff to the ground, and causing her head to hit against the concrete pavement as part of

an illegal and unreasonable arrest caused damages to Plaintiff in an amount to be proven at trial.

THIRD CAUSE OF ACTION

Americans with Disabilities Act (42 U.S.C. §12132)

(Wrongful Arrest)

(County of Riverside)

78. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the preceding paragraphs.

79. Plaintiff is an individual with a disability under the law.

80. Specifically, Plaintiff has autism spectrum disorder, a physical and mental impairment that substantially limits one or more of Plaintiff's major life activities, including caring for herself, performing manual tasks, learning, concentrating, communicating, and interacting with others.

81. Plaintiff, as an individual with autism spectrum disorder, is qualified under the ADA to be free from discrimination by any public entity.

82. The County of Riverside, through the RCSD, is a public entity within the meaning of the ADA.

83. The County of Riverside discriminated against Plaintiff by wrongfully arresting her because of her disability.

84. The County of Riverside knew or should have known that Plaintiff was disabled.

85. The County of Riverside arrested Plaintiff because of conduct related to Plaintiff's disability.

86. Specifically, the County of Riverside arrested Plaintiff because of her hypersensitivity to touch and other general conduct caused by her autism. On

information and belief, the County understood this conduct to be wrongdoing and criminal activity instead of symptoms of Plaintiff's disability, and wrongfully arrested Plaintiff as a result.

87. The County's actions amounted to a wrongful arrest under the ADA, constituted discrimination for reason of Plaintiff's disability in violation of the ADA, and proximately and foreseeably caused damages to Plaintiff in an amount to be proven at trial.

FOURTH CAUSE OF ACTION

Americans with Disabilities Act (42 U.S.C. §12132)

(Failure to Accommodate)

(County of Riverside)

88. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the preceding paragraphs.

89. Plaintiff, as a disabled individual, has a right to be free from discrimination by a public entity by reason of her disability.

90. The County had a duty under the ADA to provide Plaintiff reasonable accommodation upon learning of Plaintiff's disability.

91. The County violated this duty by failing to reasonably accommodate Plaintiff despite learning of her disability.

92. The County knew or should have known that Plaintiff was autistic.

93. The County could have attempted alternate means of interacting and communicating with Plaintiff before relying on unjustified and excessive force to restrain and handcuff Plaintiff.

94. The County could have attempted to use verbal commands to communicate with Plaintiff. The County could have requested and relied upon

1 assistance from school personnel to communicate with Plaintiff. The County
2 could have requested assistance from officers trained in interactions with mentally
3 disabled individuals.

4 95. Instead, the County relied on substantial physical force to wrestle
5 Plaintiff to the ground, cause her head to hit the concrete pavement, handcuff her,
6 and detain her.

7 96. The County then refused to accommodate Plaintiff's disability after
8 arresting her despite being informed that Plaintiff was autistic. The County kept
9 Plaintiff handcuffed on the ground despite being repeatedly informed that Plaintiff
10 was autistic.

12 97. The County's failure to accommodate Plaintiff while arresting her
13 caused Plaintiff to suffer greater injury and indignity during the process as
14 compared to other arrestees.

15 98. The County's actions amounted to a failure to accommodate in
16 violation of the ADA, constituted discrimination for reason of Plaintiff's disability
17 in violation of the ADA, and proximately and foreseeably caused damages to
18 Plaintiff in an amount to be proven at trial.

20 **FIFTH CAUSE OF ACTION**

22 **Battery**

23 **(Doe RCSD deputies)**

24 99. Plaintiff realleges and incorporates herein by reference each and every
25 allegation contained in the preceding paragraphs.

26 100. The Doe RCSD deputies acted with an intent to cause harmful or
27 offensive contact with the person of Plaintiff and the intended harmful or
28 offensive contact did in fact occur.

101. The Doe RCSD deputies wrestled and tackled Plaintiff to the ground and caused her head to hit the concrete pavement, causing a wound on her forehead.

102. These defendants acted in their official capacity and in the scope of their employment as officers of the RCSD.

103. The harmful or offensive contact was not privileged nor consented to and was excessive, unreasonable, and done with deliberate indifference to the rights and safety of Plaintiff.

104. As a result of the Doe RCSD deputies' intent to cause harmful or offense contact with the person of Plaintiff, and the fact that the intended harmful or offensive contact did in fact occur, Plaintiffs suffered damages according to proof at the time of trial. Said damages are currently in excess of the jurisdictional minimum of this court and include general and special damages according to proof at the time of trial.

SIXTH CAUSE OF ACTION

Negligence

(All defendants)

105. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the preceding paragraphs.

106. Defendants County and Doe RCSD deputies had a duty to use reasonable case when interacting with a disabled person, specifically a person with autism. Defendants had a duty to use reasonable case in determining whether reasonable suspicion or probable cause existed to detain and arrest a person with autism. Defendants had a duty to use reasonable care in performing an arrest on a person with autism without resorting to unnecessary and excessive force.

107. Defendant DSUSD and Doe DSDUSD officers and employees had a duty to safeguard the safety of their students. Defendants had a duty to protect their special-needs students from being harmed during encounters with law enforcement. Defendants had a duty to communicate with their students to avoid escalating incidents that may result in harm to their students.

108. Defendants breached these duties and caused harm to Plaintiff, including physical pain and suffering, terror, mental anguish, and humiliation.

109. The Doe RCSD deputies acted in their official capacity and in the scope of their employment as officers for the County.

110. The Doe DSUSD officers and employees also acted in their official capacity and in the scope and employment as officers for the DSUSD.

111. As a direct, proximate, and foreseeable result of these defendants' breach of their duties of care, Plaintiff suffered damages in an amount according to proof at the time of trial.

SEVENTH CAUSE OF ACTION

Negligent Training and Supervision (All defendants)

112. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the preceding paragraphs.

113. Defendants had a duty to use reasonable care in the training and supervision of their employees. Defendants had a duty to train their employees in the proper means of interacting with people with disabilities, including individuals with autism spectrum disorder. Defendants had duty to properly train their employees to avoid exposing disabled citizens to illegal arrests and avoid exposing them to the risk of excessive force. Defendants had a duty to supervise

1 their employees to ensure that disabled individuals are not exposed to harm from
2 law-enforcement officers.

3 114. Defendants breached their duty of care and caused harm to Plaintiff,
4 including physical pain and suffering, terror, mental anguish, and humiliation.

5 115. As a direct, proximate, and foreseeable result of these defendants'
6 breach of their duty of care, Plaintiff suffered damages in an amount according to
7 proof at the time of trial.

8 **EIGHTH CAUSE OF ACTION**

9 **Bane Act (Cal Civ. Code § 52.1)**

10 **(County of Riverside, Doe RCSD deputies)**

11 116. Plaintiff realleges and incorporates herein by reference each and
12 every allegation contained in the preceding paragraphs.

13 117. California Civil Code, Section 52.1 (the Bane Act), prohibits any
14 person from using violent acts or threatening to commit violent acts in retaliation
15 against another person for exercising that person's constitutional rights.

16 118. On information and belief, Defendant Doe RCSD deputies, while
17 working for the County of Riverside and acting within the course and scope of
18 their duties, intentionally committed and attempted to commit acts of violence
19 against Plaintiff, including using excessive force against her and causing her head
20 to strike against the concrete pavement.

21 119. When Defendants used this force against Plaintiff, they interfered
22 with Plaintiff's civil rights to be free from unreasonable searches and seizures, to
23 due process, to equal protection of the laws, to be free from state actions that
24 shock the conscience, and to life, liberty, and property.

25 120. On information and belief, Defendants intentionally committed the
26 above acts to discourage Plaintiff from exercising her civil rights, to retaliate

against her for invoking such rights, or to prevent her from exercising such rights, why she was fully entitled to enjoy.

121. On information and belief, Plaintiff reasonably believed and understood that the violent acts committed by Defendants were intended to discourage her from exercising the above civil rights, to retaliate against her for invoking such rights, or to prevent her from exercising such rights.

122. Defendants' conduct was a substantial factor in causing Plaintiff's harm, losses, injuries, and damages.

PRAYER FOR RELIEF

Plaintiff prays for judgment against Defendants as follows:

1. General and compensatory damages in an amount according to proof;
 2. Special damages, including medical expenses;
 3. Civil penalties as provided by law;
 4. Interest, both pre- and post-judgment, as permitted by law;
 5. Costs of suit;
 6. Attorneys' fees as provided by statute;
 7. And for such other and further relief, in law or equity, as the Court may deem proper.

Respectfully Submitted,

SCOTT TRIAL LAWYERS, APC

s/ Timothy A. Scott

Dated: September 6, 2019

TIMOTHY A. SCOTT
NICOLAS O. JIMENEZ
Attorneys for Plaintiff